

REMARKS

The only issues outstanding in the Final Rejection mailed September 20, 2007 are the rejections under 35 U.S.C. § 103. Reconsideration of these issues, in view of the following discussion, is respectfully requested.

Rejections in view of Sakuta and Shin, Powell et al. or Kilgour et al.

Claims 8-23 remain rejected as allegedly being obvious under 35 U.S.C. § 103 in view of Sakuta (EP 0 501 791) in combination with Shin (US 4,937,069). Claims 24-47, 50, and 52-57 remain rejected as allegedly being obvious under 35 U.S.C. § 103 in view of Sakuta (EP 0 501 791) in combination with Powell et al. (US 6,060,546). Finally, Claims 8-50 and 52-57 remain rejected as allegedly being obvious under 35 U.S.C. § 103 in view of Sakuta (EP 0 501 791) in combination with Kilgour et al. (US 6,262,170). These rejections are again respectfully traversed.

These rejections are traversed for the reasons of record. See, for example, the arguments presented in the Reply of December 20, 2007. Applicants supplement those arguments with the following additional remarks.

As will be recalled, Sakuta (EP '791) discloses a group of silicone polymers that can be swollen with silicone oils to obtain pasty silicone compositions which can be used to stably and uniformly disperse water. See the abstract and page 2, lines 5-8. As described at page 5, lines 26-30, the pasty composition formed from the silicone polymer can stably disperse powders and pigments without settlement due to the difference in density between the silicon oil and the powder or pigment. Sakuta further disclose that the composition can be used “as a base for creams and cake-moldings for cosmetics and products other than drugs.”

However, Sakuta provides no disclosure or suggestion that the silicon composition

described therein can stably disperse active substances such as antiperspirants and vitamin C. Merely because Sakuta discloses that the composition can be used to form face creams or foundations (see page 8), such disclosure does not provide any suggestion that one of ordinary skill in the art would have any reasonable expectation that the silicone composition of Sakuta could be used to provide a stabilized dispersion of antiperspirant or vitamin C.

The problems associated with stabilizing antiperspirant or vitamin C in skin care composition is described in applicants' specification at pages 1-3. Aware of such problems, one of ordinary skill in the art would have no expectation that the silicone composition of Sakuta would be suitable for stabilizing antiperspirant or vitamin C in skin care compositions. The lack of such expectation in the art is further evidenced by that fact the applicants' invention was the result of extensive studies. See page 3, lines 8-17 of the specification.

None of the references, singly or in combination, provide an expectation for one of ordinary skill in the art that the silicon composition described by Sakuta can stably disperse active substances such as antiperspirants and vitamin C. Accordingly, withdrawal of the rejection is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/Brion P. Heaney/

Brion P. Heaney, Reg. No. 32,542
Attorney/Agent for Applicant(s)

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

Attorney Docket No.: TAKIT-0144-D02

Date: February 20, 2008